

Evergreen 19 Beat Rap

As Incinerator Fires Up

George Bradford (David Watson)

Bill Blank

1988

A minor victory in the midst of an ongoing major disaster, the “Evergreen 19” have walked free, but only from the stench of a courtroom. After prolonged exposure to exhausting testimony on our disorderly conduct charges and a judge who later admitted he wanted us punished with maximum fines, a sympathetic jury found us not guilty in the May 1988 sit-in demonstration at the construction site of the world’s largest trash incinerator (see FE #328, Summer 1988). But as the defendants cheered and hugged one another, the smoke and ash from test burns floated over our community and the Great Lakes region.

The trial began October 12 and went through eight days of testimony, delays, and even a fair share of humor. As H.L. Mencken once observed, “The penalty for laughing in a courtroom is six months; if it were not for this penalty the jury would never hear the evidence.” Indeed, if it was hard for some to keep from dozing off, it was even harder to keep from laughing out loud. Comedic highlights included the ejection from the courtroom of one defendant’s excited two-year-old, who said in a loud and squeaky voice as he waddled to the door, “We can talk, mommy,” and how the prosecution’s star witness turned out to be a Mr. Raymond Block—the very same surname of a stooge created by the IWW cartoonist Earnest Riebe, Mr. Block, who always took the side of the bosses against the radicals.

Of course, it wasn’t always fun. It was tense, grueling, like a pajama party at Dracula’s house. You could end up in the punch at any moment. It’s hard to avoid contempt of court when the court is so thoroughly contemptible. Our constant battle was around the judge’s and the prosecutor’s attempts to stifle us from ever bringing the dangers of the incinerator into the trial. Obviously, everyone in the courtroom soon learned why we blockaded the gates, as it was impossible to keep this out of our testimony (despite a string of objections), especially when we were asked what motivated our criminal activity. For example, whenever a defendant would mention “toxic dangers,” the words would be stricken from the record, and the jury told to disregard any such “alleged” dangers. The incinerator, the prosecutor and the judge repeatedly reminded the jury, was not on trial.

Attorney Jeffrey Friedland skillfully guided us through the minefield of legal procedure and did much to win over the jury by continuously emphasizing the intentions of the defendants and the ridiculousness of a charge that had us disturbing the “peace and good order of the neighborhood.” The jury believed us. To quote Jeff afterwards, “It was the coolest.” The photographs we used as defense evidence clearly showed us sitting in front of the gate, but the jury agreed with us. A few had to have been convinced by the sincerity of the defendants’ testimony and by the obvious attempts to squelch us when we argued that the trial really was about the incinerator. Minimally, they were convinced by our argument that the blockade was essentially symbolic, that we had no illusions about putting more than a few minutes’ dent in the incinerator’s business-as-usual. And at the last minute, just before the jury came in with the verdict, our lawyer looked over at the prosecutor fiercely and raising his hands like a conjurer, put a wicked mojo-whammy on her. For one reason or another, we all walked. It was the coolest.

Incinerator Starting Up Operations

But let's remember the toll; they still had us in their clutches for more than a week. As the well-known trial attorney F. Lee Bailey once remarked, "In America an acquittal doesn't mean you're innocent, it means you beat the rap. My clients lose even when they win." Immediately after the trial, we returned to the site and protested, as private dicks inside photographed us with telephoto lenses. The plant had changed a lot; it was clear that they were making "progress" on it.

And as we write, the incinerator is already starting up operations. Smoke and steam are coming from the stacks and boilers, and trucks have been spotted hauling the toxic ash from the site. At a number of ostensibly "democratic," "public" hearings this fall on the Wayne County Solid Waste "Plan" (a manifesto for landfills and incinerators), the implementation board (not surprisingly, heavily stacked with corporate and political operatives of the entire waste industry, including Mike Brinker, chief administrator of the incinerator) refused to even acknowledge angry questions from the community about the incinerator and the location of the landfill site for the ash. While they sat stone-faced in those meetings, the decisions were already being carried out, as the burning begins and trucks leave the plant—probably headed for a site in Sumpter Township in western Wayne County. As expected, the local media is completely silent on the matter—an obvious gentlemen's agreement to suppress it as a "dead" issue. We beat the rap, but we haven't—yet—beaten the incinerator.

Nevertheless, we won a small victory at the trial. We made a mockery of their law by affirming ours—that of land, air and water. The law of free women and men, was, for the moment, sustained. It's a good sign, like the beautiful rainbow we saw, embedded in a gun-metal blue sky behind their jail, the afternoon before the verdict came in.

During the judge's final instructions to the jury, one of us visualized downtown Detroit five hundred or a thousand years hence, the freeways now swampy canals, filled with reeds and cattails, geese, ducks, loons and lily pads. Down what was Madison Avenue fallow fields, haystacks and dried corn, orchards up John R, little shacks here and there and deep woods where high rent Lafayette Park housing once stood. The crumbling, ruined courthouse sprouting hardy, weedy ailanthus trees like a still-buried Mayan pyramid in the drawings of a nineteenth century explorer.

Now, more than ever, stopping the grotesque intrusions of industrial civilization into our lives is a matter of basic self-preservation. We can walk away from court, but we can't walk away from the Earth. Ban the Burn!

For information on the continuing opposition to the trash incinerator, contact the Evergreen Alliance c/o pob 02455 Detroit MI 48202 (tel. 832-1738).

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